

Navy Case No. 82,222

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :
Usman A.K. Sorathia :
Serial No. 09/822,308 : Group Art Unit: 1712
Filed: March 29, 2001 : Examiner: Michael J. Feely
For: FIREPROOF PROTECTION INTEGRATING: Confirmation No. 7684
FABRICATION SYSTEM FOR COMPOSITE :
STRUCTURES :

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PETITION

Commissioner for Patents
Washington, D.C. 20231

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Sir:

Pursuant to 37 CFR 1.181 and Section 1002.02 M.P.E.P., this petition is submitted to invoke supervisory authority with respect to actions of the Examiner in the above application, as hereinafter pointed out.

According to a current Final Office action (paper #9) dated Sept. 16, 2002, claims 2, 9, 12, 13 and 16 were finally rejected under 35 U.S.C. 112, second paragraph as stated on page 2, under paragraph 2 of the Final Office action, which also finally rejected only claims 5 and 11 under 35 U.S.C. 103(a) as stated on pages 2-8 under paragraphs 6-7.

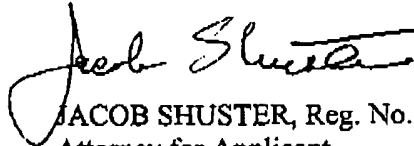
The only basis for final rejection of the claims under 35 U.S.C. 112, second paragraph as set forth on page 2 under paragraph 5 in the Final Office action is that: "claims 2, 7, 9, 12-14 and 16 are dependent of cancelled claims. There is insufficient antecedent basis for the limitations in these claims". In regard to such presumably cancelled claims, page 2 paragraph 2 in the Final Office action, refers to: "Applicant's changes to the claims in the previous amendment (paper #6) --". Contrary to the Examiner's latter quoted assertions, applicant's amendment (Paper #6) filed July 11, 2002 cancelled only claims 6 and 8, and not claim 1 and 15 from which claims

2, 9, 12, 13 and 16 are dependent. Thus the Office action (paper #7) dated Aug. 12, 2002, page 2 under paragraph 2 indicates: "The rejection of claims 1-16 under 35 U.S.C. 112, second paragraph, has been overcome by amendment".

It should therefore be apparent from the foregoing referred to file records that there is no actual basis set forth for final rejection of claims 2, 7, 12, 13 and 16 since their parent claims 1 and 15 have not been cancelled. Nevertheless, applicant attempted to avoid dispute thereover by adopting the Examiner's suggestions in a Rule 116 amendment filed Nov. 11, 2002. To date, no notice of amendment entry has been received, with either a notice of allowance of the application or reopening of prosecution once again. In view of the approaching Dec. 16, 2002 deadline for appeal, this petition is being submitted for corrective action.

Please charge the petition fee of \$130.00 to Deposit Account No. 50-0958. If there are any additional fee or overpayment charge to the same deposit account.

Respectfully submitted,



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